

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**SAMANTHA COUNTS**

Claimant

VS.

**RUFFIN COMPANIES d/b/a WICHITA MARRIOTT**

Respondent

AND

**INSURANCE COMPANY OF THE  
STATE OF PENNSYLVANIA and**

**AMERICAN HOME ASSURANCE COMPANY**

Insurance Carriers

Docket No. 1,028,881

**ORDER**

Claimant appealed the June 8, 2006, preliminary hearing Order entered by Administrative Law Judge John D. Clark.

**ISSUES**

Claimant alleges she injured her left knee working for respondent on or about March 13, 2006, and each workday afterwards. In the June 8, 2006, Order, Judge Clark denied claimant's request for workers compensation benefits after finding claimant's problems were in the nature of a personal risk.

Claimant contends Judge Clark erred. Claimant did not file any written argument with this Board, but it is presumed she would argue she has proven she has sustained a work-related injury.

Respondent and its insurance carriers contend the Order should be affirmed. They argue claimant has failed to prove she injured her left knee at work as her complaints more likely stem from a personal condition.

The only issue before the Board on this appeal is whether claimant has proven she injured her left knee working for respondent.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record compiled to date and considering the written argument, the Board concludes the June 8, 2006, Order should be affirmed.

In March 2006, claimant was working for respondent as a housekeeper. During the week of March 13, she gradually developed pain in her left knee. According to claimant, the pain began at work and it has progressed as she has continued to work. She is unable to relate the initial cause of her pain to any specific incident. Nonetheless, she believes that bending down and cleaning tubs might have caused her problems.

According to records from the Via Christi Regional Medical Center, on March 28 and 29, 2006, claimant sought treatment from its emergency room. Those records indicate claimant's left knee symptoms began approximately two weeks before and that she was unable to identify any specific accident. Likewise, when claimant saw other doctors in early April 2006, she could not identify any specific incident that had caused her symptoms.

At this juncture of the claim, the evidence fails to establish the cause of claimant's left knee problems or the mechanism of the alleged injury. At least one of the doctors believed claimant may have a lateral meniscal tear. But, as claimant is pregnant, more definitive studies or tests to help in making an accurate diagnosis have been delayed. So far, no expert medical opinion has been introduced that links claimant's left knee symptoms to her work.

The Board concludes that claimant has failed to prove her left knee problems are related to her work activities. Accordingly, for reasons other than those stated by the Judge, the Board affirms the June 8, 2006, Order.

**WHEREFORE**, the Board affirms the June 8, 2006, Order entered by Judge Clark.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July, 2006.

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BOARD MEMBER

c: Joseph Seiwert, Attorney for Claimant  
Christopher J. McCurdy, Attorney for Respondent and its Insurance Carriers  
John D. Clark, Administrative Law Judge  
Paula S. Greathouse, Workers Compensation Director